

Overview and Initial Issue Identification CITY CENTER INITIATIVE

LEAD, Multi-disciplinary team, Community Court

Prepared By: Christa Valles, Traci Ratzliff, Peter Harris, Council Central Staff

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This paper outlines three initiatives intended to address on-going street disorder problems in the downtown area: 1) the Law Enforcement Assisted Diversion program (LEAD); 2) the City's Multi-Disciplinary Team (MDT); and 3) Seattle Municipal Court's (SMC) re-engineered "Community Court 2.0". We explain how we understand each is intended to work in the downtown area and how they might interact and potentially complement each other.

The primary decision for Council is whether the City should invest \$1.5m to expand LEAD beyond its current Belltown operational boundaries. This decision will, in turn, have implications for the MDT's focus, which is requesting \$200,000 for its effort. There is no budget decision per se regarding Community Court, but we thought it would be helpful to explain how it may play a complementary role in addressing some of the low level crime and street disorder problems downtown.

It should be noted that LEAD, MDT, and Community Court 2.0 are all "unproven" models as either implemented (in the case of LEAD) or conceived (as in MDT and Community Court). Thus, we do not want to suggest any one of these together or alone is the solution. On-going assessment of these efforts will be needed to determine their level of effectiveness. What is certain, unfortunately, is that the status quo has proven ineffective in addressing the myriad street disorder problems concentrated in Seattle's downtown area. This paper outlines options we hope will perform better than the status quo while accounting for the relative risk and cost associated with these initiatives.

Overview

LEAD is a diversion program that has been operating in Belltown for the past two years. It focuses on low-level crimes associated with drugs and prostitution. The LEAD population is one that has experienced chronic issues with drugs, alcoholism, and mental health, which are often interrelated. The majority of LEAD participants to date (~136) have been referred for drug use. LEAD is a pilot program funded by a \$4m grant from various sources, including the Ford Foundation; it has an annual operating budget of \$1m through 2015¹.

2014 General SubFund (GSF) Budget Request: The Executive is proposing to expand the LEAD Belltown program into downtown Seattle², funded with \$1.5 million in city GSF dollars. The \$1.5 million breaks out as follows:

¹ LEAD reported a fund balance of ~\$670,000 in October 2013.

² Including Pioneer Square and Chinatown/International District from the waterfront to the eastern boundary of the West Precinct). Map Attached.

Personnel Costs: \$600,000

Case managers: 10 @ \$50k = \$500k
 1 Supervisor: \$65k
 1 Admin. Assistant: \$35k

Client Assistance³

\$730,000
 5 % Transportation
 5 % Food
 15% Education/Training
 15% CD/MH Treatment
 20% Housing
 25% Motels/Shelter
 15% Other⁴

Operating Costs:

\$170,000
 Office Space
 Misc.

According to the Executive, the budget allows for 250-500 clients to receive services with an average annual client expense budget of \$2,500-\$5,000. The lower end of the range is a conservative projection that assumes LEAD's current eligibility remains focused on low-level drug and prostitution offenses⁵. The upper range is "a liberal estimate" based on the possibility of LEAD expanding its eligibility criteria to include individuals committing quality of life-type offenses.

LEAD Theory of Change

LEAD's theory of change (TOC) is based on a harm reduction strategy. Harm reduction focuses on reducing individual behavior considered harmful to the individual but it does not require the individual to stop the behavior altogether. Needle exchanges and wet housing are well known examples of harm reduction strategies. LEAD's TOC further posits that if harm reduction strategies help a sufficient number of individuals, positive community level and public safety impacts will be realized (see attached logic model). LEAD's core harm reduction principles include:

- Meet individuals "where they're at" to address self-identified needs.
- Recognize change is not necessarily linear and relapse is part of recovery.
- Believe change messages are most effective when delivered by trusted individuals and are not imposed from outside, but adopted and embraced by the individuals themselves.

LEAD provides a mechanism to refer an individual engaged in drug and prostitution offenses to a community-based intensive social services intervention program. While it is an arrest diversion program, a LEAD participant is not immune from incurring subsequent charges for additional offenses.

³ Based on projections from 2013 activities, actual percentages may vary.

⁴ Includes IDs, childcare, license fees, work equipment, etc.

⁵ It's also based on the LEAD experience in Belltown and the historical ratio of Belltown drug arrests to drug arrests in the central & southern downtown, Pioneer Square and the International District/Chinatown.

LEAD Evaluation

Research indicates harm reduction strategies can be an effective public health strategy. It assumes reducing certain harmful behaviors at the individual level will also reduce public service costs for ER and hospital visits, sobering centers, and emergency medical services. *What is not so clear, however, is how effective harm reduction is as a crime reduction tool.* As this is a central tenant of the LEAD logic model, this question will hopefully be addressed by the pending impact evaluation planned in 2014 and scheduled for completion by the fall 2014⁶.

Multi-Disciplinary Team Overview

The MDT is requesting \$208,000 to pay for social service assistance for people identified through the MDT outreach process. The MDT was proposed as a concept in last year's 2013 budget. While it has been meeting since August 2013, it remains largely conceptual at this point⁷. The idea proposed during last year's budget was that the MDT would, through increased coordination across departments, identify certain individuals causing a disproportionate share of disorder and crime in the downtown area and actively work to address this behavior using a coordinated social service and law enforcement approach. This remains the idea for 2014. This time, however, the Executive's proposal assumes LEAD will be expanded (both geographically and programmatically) and therefore, the MDT will only focus on people *not* eligible for LEAD services, including:

- (a) Individuals engaged in troubling or unhealthy behavior who are not committing crimes but who are in need of services
- (b) Individuals excluded from arrest referral to LEAD by disqualifying violent criminal conviction history who nonetheless exhibit behavioral issues and would benefit from some type of intervention effort.

The MDT would function much like the LEAD model in terms of creating a coordinated "case-management" approach where MDT members would meet regularly to discuss individuals within MDT's purview. The MDT and LEAD, while focusing on different behaviors, will likely experience significant overlap. Thus, we believe *clearly written and detailed operational protocols are a necessary precondition to MDT success*. Operational protocols are needed to guide respective department actions, including how people will be actively connected to services⁸, training and expectations of SPD officers on the ground, and a working agreement between SPD and the City Attorney's Office that describes when and how the City Attorney will follow through on certain arrests, including referrals for court diversion, Community Court, or traditional prosecution.

Moreover, while the MDT includes representatives from the Human Service Department (HSD), Seattle Police Department (SPD), the City Attorney's Office, and the Metropolitan Improvement District (MID) outreach team, Seattle Park Rangers, external outreach workers, and the Associated Counsel for the Accused, it's not clear who's in charge. The

⁶ The evaluation may not be able to assess every outcome in the logic model given it will be drawing upon data from a relatively short two year timeframe and several longer term outcomes may take longer to achieve. That said, at a minimum, the evaluation should be able to assess several short term and intermediate outcomes noted in the LEAD logic model, including diversion savings, decreased criminal activity, and signs that an individual is experiencing greater stability in their life and is actively moving towards healthier behaviors.

⁷ There is some indication of recent activity, though we understand operational protocols have not yet been developed.

⁸ Beyond a simple referral that may or may not result in services actually being provided.

current MDT lacks a clear leadership team that can make strategic decisions in real-time and convey *actionable* direction to respective department staff on the ground⁹. We believe an MDT will only succeed with the leadership and buy-in of certain high level department staff (or representatives empowered to make decisions on their behalf). Thus, at a minimum, the MDT should include an executive leadership team that includes an assistant SPD chief, the City Attorney's Criminal Division Chief, and active engagement by the Mayor's Office.

Community Court 2.0 Overview

The proposed budget for the Municipal Court includes a new crew supervisor for Community Court, whose job would be to drive Community Court defendants to sites where they perform community service and supervise them. The new crew supervisor will free up time for two existing Community Court probation officers to assess defendants, develop service plans, monitor compliance, and recommend sanctions for failure to comply. Much of this is new work for the probation officers and is a small part of a large change in Community Court that is already occurring in hopes of producing better results for defendants and the community, as well as saving jail costs. Additional changes include:

- An increase in the number of offenses eligible for Community Court, combined with a commitment by the City Attorney and Court to use Community Court for more offenses already eligible. Eligible offenses include disorderly conduct, failure to appear, pedestrian interference, prostitution, theft under \$750, and trespass.
- An increase in the length of Community Court jurisdiction over a defendant. Depending on the agreement the Community Court develops and the defendant signs, the defendant may have service requirements lasting between two weeks and six months. These and other new features of Community Court are spelled out in detailed protocols.

LEAD, MDT & Community Court 2.0

Given these various initiatives will all be operating in the downtown area, we are concerned about potential confusion among patrol officers, service providers, and outreach workers resulting from overlapping approaches and interventions. We underscore the need for the MDT to develop clearly written protocols to address on-the-ground operations. Moreover, a strategy needs to be articulated about what behaviors, individuals, and/or places will be emphasized as part of the MDT intervention efforts and how these will complement LEAD and Community Court efforts. In addition, while LEAD has clear and detailed protocols for Belltown; if LEAD expands, LEAD will need to amend its current protocols to account for the larger geographic area and how it will interact with the MDT and Community Court efforts. If, however, roles and responsibilities are clearly delineated, these initiatives could be complementary. There is some evidence this has worked with LEAD in Belltown. For example, some LEAD participants are currently facing charges in Community Court that either predate their involvement in LEAD or stem from subsequent criminal activity. The LEAD process allows jurisdictions to monitor these individuals in a coordinated fashion and determine which mechanisms (law enforcement or social services) will work best to encourage behavioral change.

⁹ The MDT includes representatives from the Human Service Department (HSD), Seattle Police Department (SPD), the City Attorney's Office, and the Metropolitan Improvement District (MID) outreach team, Seattle Park Rangers, external outreach workers (REACH and HOST) and the Associated Counsel for the Accused.

LEAD options (and implications for MDT)

- 1) **Do not fund a LEAD expansion in 2014**; consider funding LEAD in the future, pending results of impact evaluation findings.

Rationale: While LEAD appears to be well implemented, which is a necessary pre-condition of success, we do not have sufficient information to discern whether LEAD is a cost effective intervention model. LEAD has received a \$500,000 grant to conduct a rigorous evaluation that will systematically evaluate recidivism and behavior change outcomes against a valid comparison group. This evaluation is scheduled to be completed next fall.

We anticipate results will show LEAD's approach works well for some people, but not for others. What we hope to see is that it works well for a sufficient number of people to be considered a cost-effective intervention. Since this cannot be known at this time, and the requested investment to expand is significant, this option would delay consideration of City funding to expand LEAD until the evaluation is complete.

Implications for MDT: This option assumes the MDT will move forward as planned, with the MDT focused on a broader range of behaviors absent LEAD expansion. Thus, under this option, we recommend Council provide an additional \$300,000 to the MDT for social services. When added to the \$200,000 already requested, this results in a total of \$500,000 that HSD can use to contract for case management, housing, and treatment services.

- 2) **Approve reduced funding for geographic expansion of LEAD, but make funding contingent on LEAD maintaining focus on crimes associated with drugs and prostitution only.**

Rationale: If Council wishes to expand LEAD, we recommend the scope of LEAD's behaviors be restricted to drugs and prostitution, at least during the first year of roll out. Expanding LEAD geographically while simultaneously expanding the scope of targeted behaviors will likely increase the probability of confusion among LEAD, MDT, and Community Court initiatives. In addition, officer training might be more successful if conducted incrementally as we should ensure officers are trained correctly on existing LEAD protocols for drug and prostitution diversion before adding new behaviors to the list. In addition, LEAD should first demonstrate its effectiveness to address drug and prostitution related crimes before expanding to other non-criminal behaviors where the effectiveness of a harm reduction approach is less clear.

Implications for MDT: This option assumes the MDT will focus on a broader range of behaviors than it would if LEAD expands both geographically *and* programmatically to include additional behaviors beyond drugs and prostitution. Thus, as with the recommendation under Option 1, we recommend supplementing MDT's budget by \$300,000. (If LEAD remains focused on drug and prostitution offenses only, the number of projected clients is 250 vs. 500, thus we assume some reduction to the \$1.5m request will be possible; some of this reduced funding can then be redirected to the MDT.)

3) **Approve the Mayor’s budget as proposed (~\$1.5m); allow LEAD’s Policy Coordinating Group to determine whether to expand the LEAD model to other behaviors.**

Rationale: Based on anecdotal evidence, the Executive believes LEAD is sufficiently promising to expand geographically and programmatically.

Implications for MDT: This option assumes the MDT will focus on behaviors that do not fall under LEAD’s purview. Under this option, it’s likely the LEAD policy group will opt to expand the range of behaviors it targets, thus, additional funding for the MDT would not be needed as the MDT’s scope would be more narrow than under Options 1 and 2.

Under options 2 and 3 for LEAD, Central Staff recommends City funding be contingent on a contract agreement with LEAD staff that includes a quarterly reporting requirement related to key outcomes, including:

- The amount and type of services provided to clients both at an individual level¹⁰
- Recidivism rates and any other associated contact with the criminal justice system.
- Quarterly expenditure information, including the draw down on funding for client services by category and a breakdown of what services were provided.

Under all options, the MDT will be operating at some level, with only the breadth of its scope dependent on whether LEAD is expanded. Thus, we recommend Council pass either a proviso on the \$300,000 for Options 1 & 2 or a Statement of Legislative Intent that requires MDT leadership to report back to the City Council by February 28th on the following:

- Written detailed operational protocols that address how activities will be carried out on the ground and by whom, including communication protocols to SPD officers and social workers on the ground. It should also address oversight and accountability controls.
- A description of the organizational structure that explains the decision-making process and identifies a leadership structure with clear lines of authority and accountability. This should include who is responsible for crafting policies and strategies, who will make decisions about how these strategies will be executed on the ground, and who will be responsible for implementing them.
- A detailed data collection plan for collecting key outcome data. The outcome data should emphasize client service uptake and outcomes, as opposed to simply reporting outreach worker contacts and referrals that give no indication of actual services offered, received, and completed by the client. The data collection plan should also detail how this data will be collected and who will responsible for collecting it from service providers so that it can be synthesized and disseminated in a quarterly report.

We also recommend the Community Court provide quarterly reporting to the City Council on key client outcomes similar to those described above for the MDT.

¹⁰ All data shall be presented in a way that individual identities remain confidential and unknown to external parties.



Beltown

Commercial Core

Pioneer Square

**Chinatown /
International District**

3rd Ave Focus Area

Eagle St.

Broad St.

Clay St.

Cedar St.

Vine St.

Wall St.

Battery St.

3rd Ave.

2nd Ave.

1st Ave.

Western Ave.

Elliott Ave.

5th Ave.

4th Ave.

3rd Ave.

2nd Ave.

1st Ave.

Lenora St.

Virginia St.

Stewart St.

Pine St.

Pine St.

Union St.

University St.

Spring St.

Seneca St.

Madison St.

Marion St.

Columbia St.

Cherry St.

James St.

Jefferson St.

Yesler Way

Washington St.

Main St.

6th Ave. S.

5th Ave. S.

Weller St.

Lane St.

Dearborn St.

Occidental Ave.

Alaskan Way

Western Ave.

1st Ave.

1st Ave.

2nd Ave.

3rd Ave.

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15th Ave.

16th Ave.

17th Ave.

18th Ave.

19th Ave.

Alaskan Way

Western Ave.

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42nd Ave.

43rd Ave.

44th Ave.



LEAD FAQs

How does the current LEAD program operate in practice?

If LEAD is expanded, it will operate much like the pilot project in Belltown; thus, it's instructive to describe how LEAD currently operates. LEAD is a diversion program focused on individuals committing low-level drug offenses and/or involved in prostitution. There are additional qualifying criteria required for entry into the program. If an individual meets these qualifying criteria, a Seattle Police (SPD) officer trained in LEAD protocols and operating in the Belltown catchment area will decide whether to refer someone to LEAD or book them into jail for referral for prosecution¹.

If referred to LEAD, an individual will be assigned to one of six case managers who will address any immediate needs (such as a place to sleep that night), explain the diversion process, and perform an in-depth intake assessment². Following intake, a case manager will work with clients to design an Individual Intervention Plan (IIP). An IIP identifies a client's needs and goals, which are driven by the client but informed by the case manager. The case manager can use LEAD funds for intensive case management and for services helpful in supporting behavioral change, such as drug and alcohol treatment, housing, and mental health counseling.

Consistent with LEAD's TOC that behavioral change must largely be motivated by the individual, there are no established set requirements for participants to actively engage in treatment or other LEAD services once they complete intake. If, however, clients are ready to pursue treatment or obtain housing, LEAD tries to provide services as close to on-demand as feasible.

How do LEAD stakeholders manage and track individual progress in LEAD?

The LEAD Operational Work Group (OWG) meets every two weeks to discuss individual participants and operational issues. The OWG consists of representatives from SPD, Department of Corrections (DOC), Seattle City Attorney's Office, King County Prosecuting Attorney's Office, LEAD Case Managers, the Downtown Seattle Association Metropolitan Improvement District (MID), ACLU, and the Public Defender's Racial Disparity project staff.

The LEAD operational protocol anticipates the City Attorney and King County Prosecutor will make individually-based decisions to charge individuals who have been offered services and who fail to change their behavior. If a LEAD participant fails to make progress and has been referred for charges for new crimes, the City Attorney and/or King County Prosecutor will consider filing new charges against the participant. The decision to file charges is made after discussion with the case manager, SPD, and DOC officers. These consultations generally occur at bi-weekly Operational Work Group meetings so all parties have complete and accurate information.

¹ In practice, SPD has been following additional referral guidelines in order to create a comparison group for evaluation purposes (individuals could only be referred to LEAD on "green light" shifts, while officers were instructed to arrest on "red light shifts.")

² This does not all necessarily happen at the first meeting.

How is LEAD Governed?

LEAD is governed by a Policy Coordinating Group (PCG) comprised of member representatives who have entered into a Memorandum of Understanding. Signatories to the MOU are:

- Mayor
- KC Executive
- Seattle City Attorney
- KC Prosecuting Attorney
- Seattle Police Department
- KC Sheriff
- The Defender Association
- ACLU-WA.

Decisions are made by modified consensus. No single entity “owns” LEAD and all signatories to the MOU are accountable for decisions. The Seattle City Council and the King County Council also have seats and votes on the PCG.

Who will be the LEAD project manager if LEAD is expanded?

The Public Defender Association Racial Disparity Project staff currently serves as project manager for LEAD, providing stakeholder coordination, drafting reports, securing private funding, maintaining community outreach and facilitating meetings. Presumably, this role would continue if LEAD is expanded.

What entity will oversee the service provider contracts?

The service provider for the LEAD expansion would be selected through a competitive RFP process. The Executive is proposing that the Policy Coordinating Group would select the provider. HSD will manage the RFP process and subsequent contract oversight if LEAD is expanded. It is envisioned that the contracted service provider will oversee the case managers, purchasing of services and deployment of the resources funded by the LEAD budget.

What data have been provided on the Belltown LEAD program?

- 136 active participants to date (8 considered not active, 11 did not follow through on intake).
- 28% of participants have received mental health counseling/treatment
- 33% have received chemical dependency treatment
- 77% of LEAD participants were homeless at time of referral, 39% have been placed in transitional or permanent housing since entering LEAD.
- 97% have drug and alcohol addictions
- 66% have mental health disorders, including thought disorders, mood disorders, and trauma-related disorders such as PTSD or head injuries
- 46% have severe chronic illnesses and medical disabilities, including diabetes, COPD, kidney failure, chronic infections, vision and hearing impairments, and mobility impairments.

LEAD Outcomes: Oct 2013

All Outcomes achieved with assistance of case management while enrolled in LEAD program.

Total Enrolled Clients	145	
Housed at Intake	25	17%
Homeless	120	83%
<i>For Homeless LEAD Clients:</i>		
Housed in Permanent Housing	37	31%
Housed in Transitional Housing	22	18%
Total Unduplicated Housed in Either Permanent or Transitional Housing	56	47%
Sheltered in Motels	53	44%
Sheltered in Other Shelters	59	50%
Total Unduplicated Housed or Sheltered while in LEAD	111	92%
<i>For All LEAD Clients:</i>		
Received Basic Need Support (Food or Clothing)	135	93%
Set and Achieved a Case Management Goal while in LEAD: Completed individualized goal plan with case manager and achieved at least one goal on plan	122	84%
Received Chemical Dependency Treatment	63	43%
Engaged in Mental Health Treatment	55	38%
Received Non –Urgent Medical Care (not in Emergency Room)	59	40%
Received Legal Assistance	93	64%
Received Assistance with Benefits (SSI, ABD, VA Benefits, Etc)	87	60%
Received Assistance with ID	70	48%

Law Enforcement Assisted Diversion (LEAD) Program Logic Model

Program Overview: LEAD's goals are to improve public safety and public order in Belltown and Skyway and to reduce criminal behavior by the program's participants. The program offers harm reduction-oriented, on-demand, comprehensive services and case management as an alternative to booking and prosecution to facilitate improvements in the lives, health, and opportunities of participants.

If we provide:

Participants will experience:

Ultimately leading to:

- Law Enforcement Referrals
- Individual Case Management
- Peer Outreach and Counseling
- Legal Advocacy
- On-demand services (housing, treatment, education, job development and stipends)
- Inclusion of neighborhood public safety leaders
- Leadership Development Training

ACTIVITIES

- Individual case plans developed for 100% of participants
- Connections made to legal services, employment, housing and transportation as needed
- Case management meetings conducted
- Peer counseling program established for all participants
- Community advisory board meets monthly
- Leadership training curriculum developed and implemented

OUTPUTS

Short-Term

- Decreased criminal activity, especially other than drug use
- Decreased harm to self and others from drug and alcohol use
- Diversion savings
- Increased psycho-social functioning
- Improved physical health
- Reduction in ER visits
- Greater individual aspirations

Intermediate

- Increased housing stability
- Increased educational attainment
- Increased job and community leadership opportunities
- Increased involvement with families, community institutions and civic life
- Decreased open-air drug dealing in Belltown and Skyway

Long-Term

- Decreased recidivism rates
- Decreased demand for social services in catchment area
- Improved relationship between the police and those policed
- Increased satisfaction of residential and business leaders with public safety
- Public safety resources freed up for other uses

OUTCOMES

IMPACT

- Improved health, lives and opportunities of *all* residents of Belltown and Skyway communities
- Improved public safety and perceptions of public order

Focus of attention during FIDELITY TESTING

Focus of attention during IMPACT ASSESSMENT

LAW ENFORCEMENT ASSISTED DIVERSION (LEAD) – BELLTOWN
REFERRAL AND DIVERSION PROTOCOL--FINAL

Mission & Purpose

Elected officials, law enforcement officers, and residents and business owners in the Belltown community of downtown Seattle (“Belltown”) want to improve public safety and public order in Belltown and want to reduce future criminal behavior by low-level drug offenders contacted in Belltown. Booking, prosecuting, and jailing individuals committing low-level drug offenses in Belltown has had limited effectiveness in improving either public safety or public order in the neighborhoods. LEAD is a new approach that seeks to accomplish the goals of reduced criminal behavior and improved public safety and order by connecting low-level drug offenders with services. This approach may cost less and be more successful at reducing future criminal behavior than processing low-level drug offenders through the criminal justice system.

Process for Diverting Individuals to LEAD in Lieu of Jail & Prosecution

In order to divert an individual to LEAD, the primary decision maker initially will be Seattle Police Department officers on the street, pursuant to clear criteria on which officers have been trained by command staff. Officers will make a series of decisions about the individuals they contact to determine whether or not those individuals are appropriate to go to jail, or to the community-based program. The determinations include:

- Is this person disqualified from community-based diversion due to particular criminal history, exploitation of others, or dealing for profit (not subsistence income)? (Exclusion criteria are detailed below.)
- Is the offense the person is alleged to have committed, an eligible offense for LEAD referral (low-level VUCSA, as defined below, or prostitution)?
- Does the person have any medical conditions at the time of arrest that require immediate medical treatment, detoxification or referral to a hospital?
- Is the person unable to provide informed consent and/or does the person pose a risk to self or others due to mental illness?
- Does the person have an existing no contact order, temporary restraining order, or anti-harassment order prohibiting contact with a current LEAD participant?
- Does the person display any interest in being offered services through a community-based diversion program rather than being taken to and booked into jail, or do the person's words and actions indicate it would be futile to attempt a diversion strategy?

A. Diversion process

In the context of the LEAD community-based diversion approach, diversion means that a person who could have been booked into jail and referred for prosecution will instead be engaged by LEAD program staff (an outreach and case management team) working for a social services provider. The LEAD team will provide an immediate individual assessment to determine what factors lead the individual to engage in street-level drug activity, and then

provide comprehensive services to address those factors and reduce the harm the individual is causing to herself and the community.

Meanwhile, the officer who made the referral to LEAD will complete the records that would be needed to refer the case to the King County Prosecutor or Seattle City Attorney, and forward the arrest packet for review to the arresting officer's supervisor. The narrative in the incident report will clearly state that the person has been referred to LEAD. If the arresting officer determines that the suspect does not meet the threshold criteria for LEAD referral, and therefore books the suspect into jail and refers the case to the Prosecutor, she may nonetheless refer the case to the supervising sergeant for review by the LEAD team.

Currently there is a lack of adequate resources to appropriately serve all individuals who might be eligible in Belltown. In order to allocate resources in a transparent and fair manner (and one that meets effective evaluation standards), the days and times for diversions to take place will be determined randomly. The precinct will give the service providers, in advance of each month, a monthly calendar of possible shifts for diversions. The service providers will then randomly select from those possible shifts, the actual shifts for diversions each month. Selection of available shifts will be based on the service providers' capacity and schedule, with adjustments made to regulate the volume of LEAD referrals and participants. If the service provider has capacity, it may designate additional days as green light shifts during the agency's normal business hours.

On the appropriate day the service provider will notify the supervising sergeants at SPD that they are accepting diversions. The service provider will make ongoing determinations of program capacity during the day/shift when they are accepting diversions (i.e., if three people have been referred in the previous two hours, it is possible that staff will not be available to conduct another intake, and LEAD referrals may cease until a staff member is available again).

After a LEAD-eligible client is arrested, and prior to booking, the supervising sergeant will inform the arresting officer that that individual can be diverted. The arresting officer will call the LEAD service provider and the individual will then be turned over to the case management team for intake. The case management team will come to the West Precinct and bring the individual to the LEAD service provider office or other pre-arranged location appropriate for intake, such as the Sobering Center.

The arresting officer will determine based on the stated eligibility criteria, including her own assessment of the individual's amenability to the intervention model, whether an individual under arrest will be referred to LEAD. A prior referral does not preclude a second referral, but is a factor the officer can consider with respect to the individual's amenability to the intervention model.

For purposes of evaluation, SPD officers will complete and attach a "West Precinct LEAD Program Eligibility" arrest cover sheet to the arrest report for *all* VUCSAs made—including arrests made inside and outside of Belltown, on Green Light and Red Light shifts, as well as those resulting in diversion and those *not* resulting in diversion.

For purposes of evaluation, DOC officers will follow a different data collection protocol. DOC officers will complete and attach a “West Precinct LEAD Program Eligibility” arrest cover sheet to the arrest report for all arrests resulting in diversion to LEAD. DOC officers will also keep an ongoing log containing the names, dates of birth, and incident numbers of all individuals who are otherwise LEAD-eligible and who would have been diverted if not for resource limitations.

Staff of the LEAD social service provider(s) may also determine at the point of referral or subsequently that the individual is unlikely to make good use of the program’s resources, and refer the case back to the precinct commander for a filing decision.

Monthly, the LEAD team (LEAD program staff, precinct officers and commanders, the King County Prosecutor’s Office, the City Attorney’s Office, community advisory representatives and the LEAD coordinators at The Defender Association) will hold staffing sessions in which referral decisions and program participant progress will be reviewed. To permit such discussions, LEAD participants who accept diversion will be required to sign waivers authorizing program staff to discuss their cases and progress with the other institutional partners at LEAD staffing sessions. These consent authorizations are a condition of participating in LEAD, and if not completed or rescinded, the individual will be deemed not to be participating in LEAD.

Though they will be informed by the LEAD team staffing discussions, the King County Prosecutor’s Office and City Attorney retain ultimate and exclusive authority to make filing decisions in all cases. Individual cases may be staffed more frequently via phone conference as needed.

The King County Prosecutor will receive copies of the investigation packets on diverted cases, for review within 72 hours for compliance with the agreed diversion criteria, and for comparison with those cases in which suspects were jailed and referred for prosecution.

B. Eligibility Criteria for diversion to LEAD

Adults suspected of VUCSA and prostitution offenses will be eligible for diversion to LEAD and presumptively should be referred to LEAD, except when:

- The amount of drugs involved exceeds 3 grams (except that where an individual has been arrested for delivery of or possession with intent to deliver marijuana, or possession, delivery or possession with intent to deliver prescription controlled substances (pills), officers will consider the other criteria listed here without reference to the amount limitation);
- The individual does not appear amenable to diversion;
- The suspected drug activity involves delivery or possession with intent to deliver (PWI), and there is reason to believe the suspect is dealing for profit above a subsistence income;
- The individual appears to exploit minors or others in a drug dealing enterprise;

- The individual is suspected of promoting prostitution;
- The individual has an existing no contact order, temporary restraining order, or anti-harassment order prohibiting contact with a current LEAD participant;
- The individual has an open case in Drug Diversion Court or Mental Health Court; and/or
- The individual has disqualifying criminal history as follows:

Without time limitation: Any conviction for murder 1 or 2 , arson 1 or 2, Robbery 1, Assault 1, kidnapping, VUFA 1, or any sex offense (or attempt of any crime listed here).

Within the past 10 years: Any conviction for a domestic violence offense, Robbery 2, Assault 2 or 3, Burglary 1 or 2, or VUFA 2.

Individuals who are arrested on a DOC warrant and/or for a DOC violation may be referred to LEAD. The arresting officer (if not a DOC officer) should contact DOC personnel. DOC may determine that the DOC warrant should be quashed/withdrawn and the individual should be referred to LEAD.

Individuals for whom the LEAD program could reduce the harm of their activity to themselves and to the Belltown community, but who are not diverted on the current charge under this protocol (e.g., due to specific criminal history), may still be referred to LEAD services by law enforcement. It is possible that their involvement and progress in the LEAD program might be considered by the prosecutor or the court in subsequent charging, plea offer or sentencing decisions.

An individual who does not meet the threshold eligibility criteria (above) but whom the arresting officer believes would be a good candidate for LEAD diversion may be accepted (post-booking) for diversion by the LEAD team on the recommendation of the arresting officer. There is no substantive right to be offered LEAD diversion. LEAD eligibility is not intended to be a substantive right to be litigated.

C. Warrants

Warrants will be served according to applicable policies and protocols, and individuals will not be immediately referred to LEAD in lieu of booking if they would otherwise be booked on a warrant.

Notwithstanding the above, if a suspect who would otherwise qualify for LEAD has an outstanding DOC warrant, the arresting officer should contact NCI personnel. DOC/NCI may determine that the DOC warrant should be quashed/withdrawn and the individual should be referred to LEAD. Otherwise, the individual shall be booked into jail according to regularly applicable protocols and policies.

D. Referral of “social contacts” to LEAD; DOC CCO referrals

To the extent that the program has capacity to take them after responding to pre-booking diversion cases of individuals who could have been jailed and prosecuted, LEAD will also accept referrals from law enforcement of “social contacts,” that is, individuals perceived by officers as at high risk of arrest in the future for low level drug activity.

All social contact referrals to LEAD must meet the following pre-requisites:

- Verification by law enforcement that the individual is involved with narcotics (possession or delivery) or prostitution.
 - Verification by law enforcement means:
 - Police reports, arrests, jail bookings, criminal charges, or convictions indicating that the individual was engaged in narcotics or prostitution activity; or
 - Law enforcement has directly observed the individual's narcotics or prostitution activity; or
 - Law enforcement has a reliable basis of information to believe that the individual is engaged in narcotics or prostitution, such as information provided by another first responder, a professional, or credible community members.
- The individual's involvement with narcotics or prostitution must have occurred within the LEAD catchment area.
- The individual's involvement with narcotics or prostitution must have occurred within 24 months of the date of referral.
- No existing case in Drug Diversion Court or Mental Health Court.
- The individual cannot have an existing no contact order, temporary restraining order, or anti-harassment order, prohibiting contact with a current LEAD participant.

The Department of Corrections Community Corrections Officers (CCOs) may also refer individuals on community supervision for whom LEAD services are likely to provide assistance in preventing future law violations.

E. Intervention Protocol

Initial contact and referral by officers. Following the decision to refer an individual to LEAD, the referring officer will contact the LEAD program staff. The LEAD staff will come to the precinct. LEAD staff will be available to respond immediately during designated periods when they are open for referrals.

When the outreach worker/case manager arrives, the referring officer will provide her with basic information about the individual, including known criminal conviction history. The referring officer will document in his report that the outreach worker/case manager was called, arrived, and provided with this information and the referring officer will then release the suspect from custody. The officer will then leave the outreach worker/case manager to engage the individual.

If a suspect is intoxicated or incapacitated and unable to engage effectively in the intake process, the suspect should not be referred to LEAD at that time. The suspect can be referred to LEAD at a later time according to the same process used for suspects initially ineligible due to criminal history exclusions. If, in the officer and/or case manager's judgment, a suspect is unable to provide informed consent and/or poses a risk to self or others due to severe mental illness, the suspect will not be referred to LEAD. For non-intoxicated suspects, after the officer leaves, the outreach worker/case manager will complete an initial screening and schedule a follow-up appointment to conduct a detailed intake assessment.

Arrest Cover Sheets. SPD officers who are making diversions to LEAD should complete and attach the "West Precinct LEAD Program Eligibility" arrest cover sheet to the arrest report for every VUCSA arrest made. This cover sheet should be completed for arrests made inside and outside Belltown, on Green Light and Red Light shifts, as well as arrests actually resulting in diversion and those *not* resulting in diversion.

The top portion of the cover sheet (i.e., "Location of Arrest," "Referring Squad," and "Arrestee Characteristics") must be filled out for *all* VUCSA arrests. The top portion asks the officer to provide basic information about the arrest, and to apply the eligibility criteria for LEAD to *all* VUCSA arrests, regardless of whether an actual LEAD diversion is made. The bottom portion of the cover sheet, labeled "Belltown Arrest Only," must be filled out *only* for VUCSA arrests occurring in Belltown.

DOC officers will follow a different data collection protocol. DOC officers should complete and attach the "West Precinct LEAD Program Eligibility" arrest cover sheet to the arrest report for all arrests actually resulting in diversion to LEAD. (The instructions for completing the cover sheet are the same as described above for SPD officers.) DOC officers should also keep an ongoing log containing the names, dates of birth, and incident numbers of all individuals who are otherwise LEAD-eligible and who would have been diverted if not for resource limitations.

Social Contacts. An officer making a social contact referral should contact the individual he/she seeks to refer. If the individual contacted is willing to be referred to LEAD, the officer can contact ETS REACH staff anytime from 8:30am to 4:30pm by calling the LEAD program coordinator at 206.588.9731. If the officer contacts the LEAD program coordinator after hours, he or she can expect a return call the next business day. However, if the officer is making a social contact referral during a Green Light Shift, the officer should contact ETS REACH staff via the LEAD Green Light phone number at 206.455.0386.

Intake assessment. When an individual is diverted to LEAD, LEAD staff will immediately conduct an initial screening to gather basic information about the person, identify any acute immediate needs, and assess the person's appropriateness for diversion. Based on the initial screening, the case manager will first work to meet any immediate needs that must be addressed, such as shelter for the night. She will also thoroughly explain the diversion process and the assistance that might be available through the LEAD program for a willing participant.

During the initial screening, LEAD staff should instruct the participants that they cannot return to the area where they were arrested for their LEAD-referred offense for the next 24 hours. If participants were initially arrested during a buy-bust, and shortly thereafter, return to the scene of a buy-bust, they may possibly be arrested for compromising the safety of the undercover officers who are working the buy-bust.

If an individual does not remain to complete the initial screening that immediately follows diversion, LEAD program staff will contact the supervising sergeant, and either the King County Prosecuting Attorney's Office or City Attorney's Office by phone or email. SPD may decide to re-arrest the individual or to refer the case to the prosecutor without arrest.

At the end of the initial screening, LEAD staff will schedule a follow-up appointment to perform an in-depth intake assessment, which should occur optimally between 24-48 hours after the initial screening, or as soon as otherwise possible. When completing the in-depth intake, the first task of LEAD staff is to determine the immediate cause of the individual's drug or prostitution activity on the street. In addition, the case worker will survey a wide range of factors that might contribute to ongoing encounters with law enforcement. Such factors include, but are not limited to: chemical dependency (alcohol and other drugs), mental health problems, lack of housing, prior legal involvement and/or gang involvement, lack of previous employment, and lack of education. LEAD funding and staffing may be used to address any factor or set of factors driving the participant to engage in problematic drug activity at the street level.

If an individual completes the initial screening, but affirmatively refuses or fails, within a reasonable time period, to complete the follow-up intake assessment, the LEAD social service provider will notify the King County Prosecuting Attorney's office and/or the Seattle City Attorney, depending on which office has jurisdiction over the case. The appropriate office may then decide to file a criminal charge in, and prosecute, the offense that was initially diverted to LEAD.

Individual Intervention Plan (IIP). Once any acute needs have been addressed, the case manager will work with each participant in one or more meetings to design an Individual Intervention Plan, which will form both the action plan for the individual and a key element of program evaluation. As noted above, the plan may include assistance with housing, treatment, education, job training, job placement, licensing assistance, small business counseling, child care or other services. The outreach worker/case manager will follow up with the individual to implement the intervention plan.

Although many elements of the intervention plan will be client-identified and -driven, and though participation is voluntary, the IIP will draw on the professional expertise of the case manager. If the case manager identifies needs for treatment or other services, she will either provide referrals to appropriate programs with available capacity (see discussion below of non-displacement principle) or procure needed services using project funding. In cases where chemical dependency or mental health services are needed, project participants will be asked to sign release of information forms allowing the case manager to consult with other professionals and with LEAD partners.

Withdrawal of services. Receipt of ongoing services is conditioned on the participant making, in the judgment of LEAD program staff, good use of the resources provided, and good progress toward reducing the harm his drug-involved behavior has brought to the community and himself. The possibility that services might be withdrawn should not be invoked lightly, but does act as a powerful motivator for participants to take the opportunity seriously and make good use of LEAD resources.

Regular staffing sessions with partners. Monthly, LEAD program staff will conduct a staffing meeting that includes the key partners in LEAD-Belltown: community advisory representatives, the Seattle Police Department, the King County Prosecutor's Office, the City Attorney's Office, and at least during the demonstration period, the LEAD coordinators housed at The Defender Association. LEAD partners will use the staffing meetings to share information about program participants' situation and progress; to discuss possible withdrawal of program support from participants who are not making effective use of the opportunity; to discuss referral criteria, program capacity and compliance with the protocol; and to focus the attention of LEAD program staff and SPD in particular areas viewed with concern by community representatives.

Community report back. The LEAD team will periodically reach out to Belltown residents, businesses and community leaders to provide informational updates about LEAD operations and to receive feedback on areas of focus.

Goal of self-sufficiency; no time limit. IIPs will be designed to maximize the odds of a participant being able to achieve self-sufficiency independent of program funding at some point in the relatively near term. For some, this may entail a plan for vocational or higher education or achieving a GED; for some, it may involve job placement; for those who are not likely to be able to support themselves through work, it may entail applications for SSI and/or GAU.

Since the objective is actually securing changes in individual behavior, there will be no *a priori* limit on the time period in which an individual can receive services. The test, rather, is simply whether, in the judgment of LEAD staff, the participant is continuing to make good use of the resources LEAD is dedicating to him.

Core principles. Core principles of the intervention approach include:

- A **harm reduction philosophy.** Participants will be engaged where they are; they will not be penalized or denied services if they do not achieve abstinence. The goal is to reduce as much as possible the harm done to themselves and to the surrounding community through problematic drug activity. Again, some or all services may be withdrawn participants whom LEAD staff feel are not making progress toward reducing the harm caused by their behavior.
- A **non-displacement principle.** Because the objective is to increase safety and order for the community as a whole, it is unhelpful to achieve success for an individual program participant by bumping her up a wait list for scarce services, while necessarily bumping another community member who needs the same services further down the list. Where existing programs have unused capacity, and where they are appropriate fits for participants' identified needs, LEAD staff will know about and use those resources. However, LEAD program funding will be used to purchase or access additional resources that would not otherwise be available to this population.
- **Community transparency and accountability.** It is essential that community stakeholders and public safety leaders be able to participate in regular staffing meetings, have access to program performance reports, and have excellent access to program staff to suggest areas where outreach could usefully be concentrated. Community confidence that pre-booking diversion is a reasonable way to accomplish the goal of improving public safety is essential to the viability of the program.
- **Resources allocated primarily to client services.** Approximately half of all program funding should be allocated to purchase services for clients.

MEMORANDUM OF UNDERSTANDING

Among

SEATTLE OFFICE OF THE MAYOR, SEATTLE CITY ATTORNEY'S OFFICE,
SEATTLE POLICE DEPARTMENT,
KING COUNTY EXECUTIVE, KING COUNTY PROSECUTING ATTORNEY,
KING COUNTY SHERIFF,
THE DEFENDER ASSOCIATION, AND THE ACLU OF WASHINGTON

Regarding

LAW ENFORCEMENT ASSISTED DIVERSION PROGRAM
COORDINATING GROUP: FORMATION, GOVERNANCE, AND RESPONSIBILITIES

WHEREAS, the City of Seattle ("City"), King County ("County"), and residents and business owners in the Belltown community of downtown Seattle ("Belltown") and the Skyway community of unincorporated King County ("Skyway") want to improve public safety and public order in the Belltown and Skyway neighborhoods; and

WHEREAS, the City, County, and Belltown and Skyway community members want to reduce future criminal behavior by low-level drug offenders contacted in Belltown and Skyway; and

WHEREAS, booking, prosecuting, and jailing individuals committing low-level drug offenses in Belltown and Skyway has had limited effectiveness in improving either public safety or public order in the neighborhoods; and

WHEREAS, interventions that connect low-level drug offenders with services may cost less and be more successful at reducing future criminal behavior than processing these individuals through the criminal justice system; and

WHEREAS, private foundations have stepped forward to provide start-up funding for the operation and evaluation of a robust pre-booking diversion demonstration project in the City and County with the understanding that the project presents a unique opportunity to work with local

partners on a new strategy that holds promise for effecting systemic change and a paradigm shift in the public response to individuals' low-level drug involvement;

NOW, THEREFORE, THE PARTIES STATE THEIR INTENT AS FOLLOWS:

A. Formation, Purposes, and Membership of the Law Enforcement Assisted Diversion (“LEAD”) Coordinating Group. A Coordinating Group is hereby formed for the LEAD pre-booking diversion demonstration project. The purposes of the Coordinating Group are to review and provide feedback on the Referral and Diversion Protocols for LEAD candidates, approve Requests for Proposals (“RFPs”) for service providers and program evaluators, select providers and evaluators, review and provide feedback on periodic reports from the Belltown and Skyway Operational Groups¹, make criminal justice and human services system data available for comparison and evaluative purposes, and provide policy guidance and administrative oversight for the LEAD program's operation and evaluation. The Coordinating Group will select a non-government fiscal sponsor to receive and administer the program's funding from private donors.

MOU Signatories' Individual Statements of Intent

The parties signing this Memorandum of Understanding (“MOU”) specifically state their respective intents and commitments as follows:

¹ The Belltown and Skyway Operational Groups are populated by representatives of the policing and prosecutorial agencies having jurisdiction over the respective communities, each neighborhood's LEAD Community Advisory Board, and at least one of the organizations providing technical assistance to the LEAD program (The Defender Association or ACLU of Washington). Representatives of the service providers selected for each community will be added after selection. The Operational Groups have primary responsibility for developing and amending the Referral and Diversion Protocols for Belltown and Skyway, for staffing program participants' cases per the Protocols, and for providing periodic reports on resource utilization and participants' progress to the Coordinating Group.

1. **The Mayor's Office** is fully committed to the LEAD model. Over the three decades of the "War on Drugs," it has become apparent that an approach relying solely on using drug laws to jail and prosecute drug-involved individuals has resoundingly negative effects in terms of both justice and public safety, in Seattle and across the country. In 2006, the City initiated a number of pilot programs aimed to address the root causes of drug-related crime: addiction, lack of housing and employment, and lack of access to mental health services to name just a few. LEAD continues this model, and expands it to include partnership with law enforcement and access to a broader array of services. We are hopeful that LEAD may become the cornerstone of Seattle's drug enforcement strategy, and that it might help shift the nationwide paradigm from one that rends communities to one that helps to rebuild them.

The Mayor's office will commit staff to the LEAD Coordinating Group and will look for opportunities to achieve synergies with employment, housing and other initiatives undertaken by the City of Seattle that may be appropriate fits for some LEAD participants.

2. King County, through its Countywide Strategic Plan, is committed to the goals of supporting safe communities and accessible justice systems for all, and promoting opportunities for all communities and individuals to realize their full potential.

The King County Executive believes the LEAD pilot project furthers those goals.

The King County Executive's Office (KCEO) has therefore committed to participate in the LEAD Program on both an evaluation and policy level. To that end, the KCEO will provide the following staffing to the program:

At an evaluation level, the KCEO will assign a senior analyst, knowledgeable in criminal justice programs and program data collection and evaluation, to assist the LEAD project evaluator with the collection of data from King County's information systems.

At a policy level, the King County Executive's Law and Justice Policy Advisor, or other designee as appointed by the King County Executive, shall serve on the LEAD Coordinating Group.

- 3. The Seattle City Attorney's Office** is committed to the implementation of the LEAD program model at both the operational and policy levels. While the City Attorney does not prosecute felony drug offenses, our office handles a wide variety of misdemeanor cases that are associated with street-level drug dealing (e.g. car prowls, trespass, theft, assault, harassment, etc.). If the LEAD program is successful at transitioning street-level drug dealers and users away from the drug trade, there will be a significant public safety benefit in the community as the crimes associated with the drug activity are reduced.

The City Attorney has a precinct liaison attorney who advises the West Precinct Captain on legal issues, policy matters and criminal investigations. This attorney will play an integral role in developing SPD procedures and policies for the LEAD program. He will also monitor and troubleshoot program issues as they arise. The Director of the Government Affairs Section will work on the policy team to ensure that the overall goals of the program are achieved.

Though they will be informed by the LEAD Operational Groups' staffing recommendations regarding individual program participants, the King County prosecutor and the Seattle City Attorney's Office retain ultimate and exclusive authority to make filing decisions in all cases.

4. **The King County Prosecutor's Office (PAO)** has committed to participate in the LEAD Program on both an operational and policy level. The PAO will provide the following staffing to the program when practicable:

The PAO will have a deputy prosecuting attorney (DPA) knowledgeable in Washington State's drug laws, search and seizure case law, local, state and federal criminal history records, State Department of Corrections records, warrant records, and the ability to make criminal offense filing decisions, committed to participate in the case review process. The PAO will also provide paralegal services in support of the DPA's work. The work of the DPA and Paralegal will provide operational support to the program.

At a policy level, the Deputy Chief of Staff of the PAO, or other designee as appointed by the elected Prosecuting Attorney, shall serve on the LEAD Coordinating Group. The Deputy Chief or other designee will serve on the Coordinating Group as long as it exists or unless and until the PAO withdraws from the LEAD Program.

Though they will be informed by the LEAD Operational Groups' staffing recommendations regarding program participants, the King County prosecutor and

the Seattle City Attorney's Office retain ultimate and exclusive authority to make filing decisions in all cases.

5. **The Seattle Police Department (SPD)** has committed to participate in the LEAD Program on both an operational and policy level. The SPD will provide the following staffing to the program:

The SPD will assign several personnel to this initiative including: several specially trained patrol/anti-crime team (ACT) officers who regularly work the Belltown area, as the initial "beta/fidelity working group" who will receive additional focused training on the LEAD referral process; and an officer who works jointly with the State Department of Corrections Neighborhood Correction Initiative (NCI) and who is knowledgeable in Washington State's drug laws, search and seizure case law, local, state and federal criminal history records, State Department of Corrections records, warrant records, and the ability to make street level decisions on where to direct the low-level drug offenders. The SPD will also provide the part-time services of a West Precinct sergeant and a lieutenant who will ensure that officers working the "street" portion of the initiative remain focused on the components of this initiative while assigned to it.

At a policy level, an Assistant Chief (Jim Pugel) and a Captain (Steve Brown) shall serve on the LEAD Coordinating Group. These representatives will serve on the Coordinating Group as long as it exists or unless and until SPD withdraws from the LEAD Program.

6. **Sheriff Sue Rahr and the King County Sheriff's Office** are pleased to participate in the Law Enforcement Assisted Diversion Program in partnership with TDA, the King County Prosecutor's Office, the Seattle Police Department and all of those committed to this project. We will support this participation at both the policy and operational levels.

At the operational level a captain assigned to the West Precinct Command will provide management-level input to structuring the policies and procedures. That captain will also oversee implementation through the first-line supervisors to the patrol deputies and detectives actually making the contacts and referrals.

At the policy level, the West Precinct Major (or other designee of the Sheriff) will be a member of the LEAD Coordinating Group, offering the perspective and support of the Sheriff and her Executive Leadership Team. It is recognized that the program in the unincorporated areas may differ in some respects from the Seattle city implementation and operation. But we support the same overarching program goals and we desire the same positive outcomes in the lives of those referred to the program and in the communities impacted by public safety issues.

7. **The Defender Association/Racial Disparity Project** will dedicate multiple FTEs to all aspects of LEAD project management, resource development, stakeholder coordination and community outreach. TDA/RDP will serve as liaison between the fiscal sponsor, the program funders, the contract service providers, the Coordinating Group, the community advisory groups and the operational work groups. TDA/RDP, with other partners, will advocate for fidelity to agreed protocols and core principles

of LEAD. TDA/RDP, with other partners, will assist in communicating about the process of creating and operating LEAD with interested policymakers and community leaders in other jurisdictions.

8. **The American Civil Liberties Union (ACLU) of Washington** is committed to replacing reliance on criminal sanctions with approaches that treat drug abuse as a public health concern and at the same time respect civil liberties, reduce incarceration, and promote racial justice. The ACLU of Washington maintains a Drug Policy Project whose professional staff possess significant relevant experience.

The ACLU of Washington is committed to the success of the LEAD project within its drug policy-related work. Its drug policy staff will assist the LEAD project with advocacy, document drafting, stakeholder consultation, troubleshooting, and technical assistance. The drug policy staff may also seek the assistance of the affiliate's communication department to consult on media relations and the field department for guidance on outreach and coalition building efforts.

LEAD Coordinating Group

The Coordinating Group's membership shall consist of representatives from the following entities and organizations:

1. Seattle Office of the Mayor;
2. King County Executive Office;
3. Seattle City Council;
4. King County Council;
5. Seattle City Attorney's Office;

6. King County Prosecuting Attorney's Office;
7. Seattle Police Department;
8. King County Sheriff's Office;
9. Belltown LEAD Community Advisory Board;
10. Skyway LEAD Community Advisory Board;
11. The Defender Association, through its Racial Disparity Project; and
12. ACLU of Washington, through its Drug Policy Project.

Additional member entities and organizations may be added to the Coordinating Group upon unanimous consent of the existing members.

B. Governance. Participation in the LEAD Coordinating Group is voluntary, and any member may withdraw unilaterally at any time for any reason. This MOU does not amend any law or ordinance; nor does it create any binding obligation on the part of any signatory. This MOU simply memorializes the intent of the Coordinating Group's members in participating in this demonstration project and describes the responsibilities they understand to be accepting through their participation.

All decisions of the Coordinating Group will be made by modified consensus. For purposes of this MOU, "modified consensus" means a resolution that is acceptable to all participants even if not ideal to one or more.

Each member organization shall designate one representative for purposes of determining consensus in Coordinating Group decisions, but multiple representatives from each organization may attend meetings and participate in discussions.

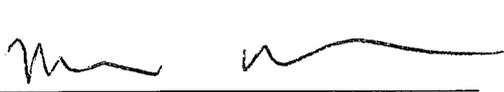
C. **Responsibilities.** The role of the Coordinating Group is to make policy-level decisions regarding the LEAD program and to provide periodic administrative oversight of the program.

Specific responsibilities include, but are not limited to, the following:

1. Review of LEAD Referral and Diversion Protocols;
2. Selection of a fiscal sponsor to receive and administer private funding granted for LEAD operation and evaluation;
3. Oversight, advisement, and direction of fiscal sponsor pursuant to grant agreements;
4. Collaboration on grant applications for LEAD operation and evaluation;
5. Approval of RFPs for LEAD service provision and evaluation;
6. Review of RFP applications and selection of service providers and evaluators;
7. Making available criminal justice and human services system data for comparison and evaluative purposes;
8. Oversight of LEAD implementation, including regular review of reports from the Belltown and Skyway Operational Groups, contract compliance of service providers and evaluators, and solicitation and review of community feedback; and
9. Modification of service provision, or evaluation criteria and process, as needed.

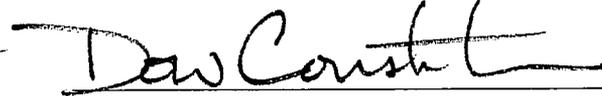
The Defender Association and ACLU of Washington will provide staffing support through document drafting, stakeholder consultation, troubleshooting, and technical assistance to the Belltown and Skyway Operational Groups, but will have no decision-making authority except as members of the Coordinating Group.

This MOU may be signed in counterparts and shall be effective as of the date it is signed by all parties. No amendment or modification of this MOU will have effect unless it is made in writing and agreed to by all signatories or their successors.



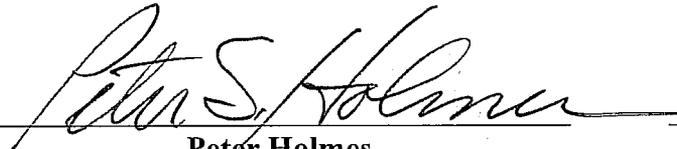
Mike McGinn
Seattle Mayor

Date: 10-14-10



Dow Constantine
King County Executive

Date: 9.16.10



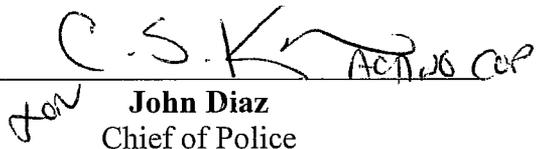
Peter Holmes
Seattle City Attorney

Date: 10-4-2010



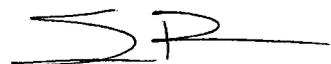
Dan Satterberg
King County Prosecutor

Date: 9/23/10


ACTING COP

John Diaz
Chief of Police
Seattle Police Department

Date: 9/21/10



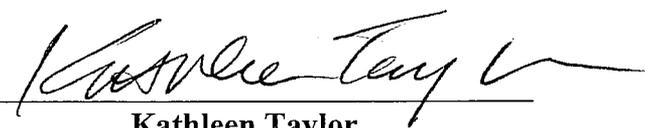
Sue Rahr
King County Sheriff

Date: 10/1/10



Floris Mikkelsen
Director, The Defender Association

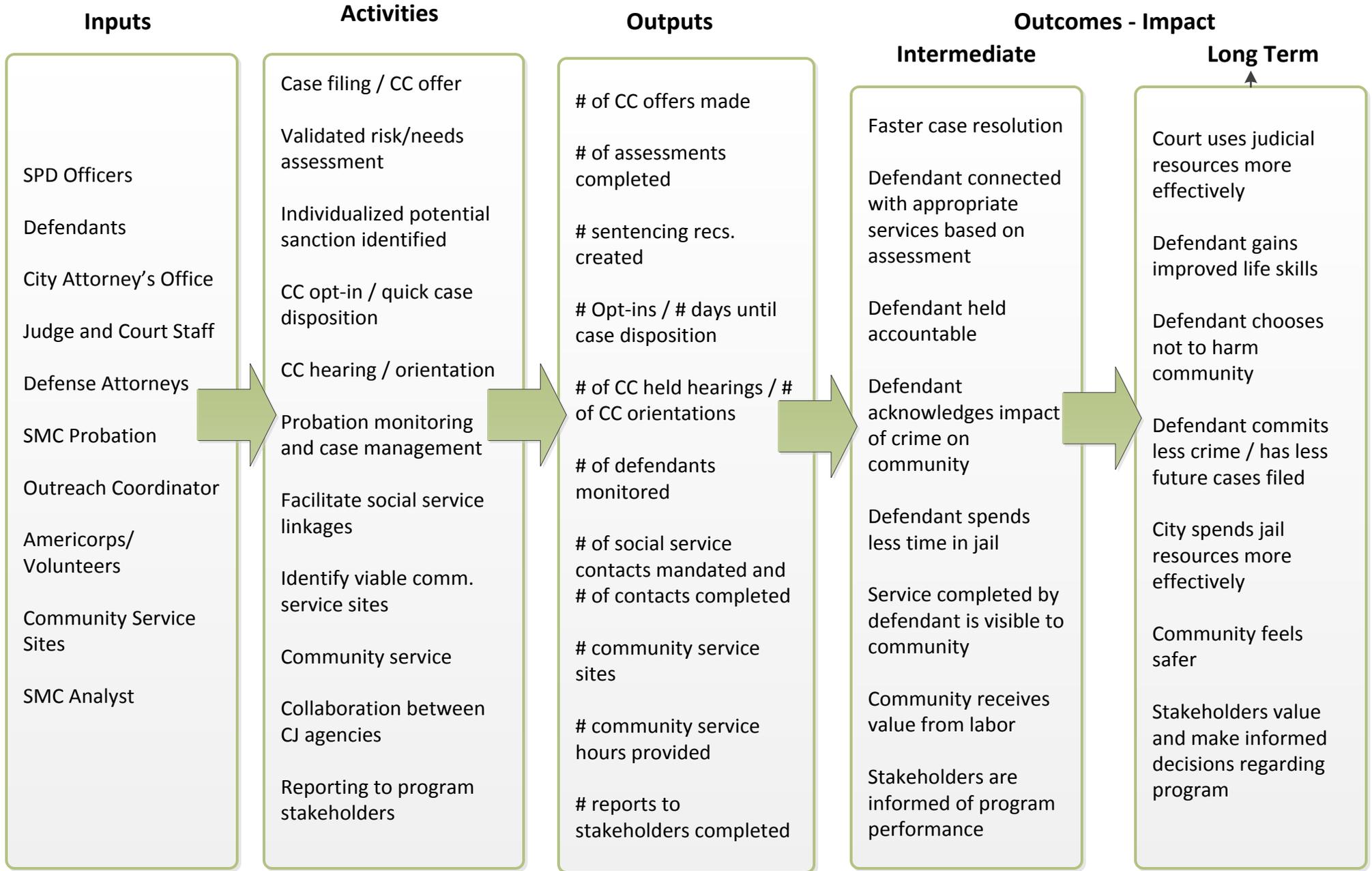
Date: 9/22/2010



Kathleen Taylor
Executive Director, ACLU of Washington

Date: 10/15/2010

- Seattle Community Court Logic Model -



SEATTLE COMMUNITY COURT COURTROOM PROTOCOL AND PROCEDURES

INTRODUCTION

Seattle Community Court (SCC) takes a different approach to adjudicating pending criminal cases. SCC is a collaborative effort between Defense, Prosecution, Probation Services, the Court and the Community designed to address the problem which has caused criminal behavior. The following components are essential to the Community Court model:

1. Immediacy – cases should be resolved quickly so eligible community court defendants can be connected to services within the community as soon as feasible after the case is filed.
2. Court engagement – judge actively engages with each defendant.
3. Accountability – eligible community court defendants must accept responsibility for their behavior. Defendants should be forthcoming at the earliest possible opportunity about their ability to comply with the community service or other requirements of the program (i.e. physical disability, dosing requirements and work obligations).
4. Collaboration between the Court, City Attorney’s office and defense agency
5. Focused and direct problem-solving
6. Staffing cases as a team off the record
7. Visible, community-based community service
8. Coalition building to create sustainable social services and transparency in the community
9. Regular self-evaluation of practices and outcomes (data)
10. Shortened jurisdiction. The Court will maintain jurisdiction of community court cases for six months. The Court may accelerate the jurisdiction end date for Defendants who meet all requirements and otherwise maintain compliance at all times.

HOW TO SET A CASE INTO SCC

Immediacy is a very important aspect of problem-solving Courts. Support intended to curtail or eliminate criminal behavior is more effective the closer the adjudication is to the arrest for criminal behavior. SCC is designed to have defendants enter within a few days of their arraignment¹. The following outline shows how a case gets set into SCC.

A. Intake

1. The City Attorney’s Office (City) will provide defense and the Court with a list of all SCC eligible defendants prior to each intake calendar.

¹ If an otherwise SCC eligible defendant was not given a SCC offer at his or her arraignment, the case can be set into SCC after the first PTH if the SCC judge approves.

2. A defense attorney will meet with the defendant, go over the police report/charges against him or her and explain the expectations of SCC.
3. If the defendant elects to enter, the case will be set to the first available Community Court hearing date. If the defendant wants additional time, the case must be sent into the Courtroom for Court approval. Parties agree that defense may speak to Court ex parte about any such continuance.
4. As soon as the defendant completes the intake, he or she must speak with a probation counselor to have an assessment completed.
5. If the defendant fails to appear (FTA) at the subsequent SCC hearing he or she will no longer be eligible for a dispositional continuance on the case, unless defendant can demonstrate that the FTA was not willful (i.e. being in custody or the hospital).

B. In Custody Arraignment (ICA)

1. The City will conspicuously identify all SCC eligible defendants on the criminal histories.
2. The Jail Attorneys will meet with the defendant, go over the police report/charges against him or her and explain the expectations of SCC.
3. If the defendant elects to enter, the case is set on the first available SCC calendar.
4. The City will not oppose a PR release in cases where the defendant has no more than three bench warrants within a 24 month period and no bench warrants on the current case.
5. If the defendant FTAs at the subsequent SCC hearing he or she will no longer be eligible for a dispositional continuance on the case, unless defendant can demonstrate that the FTA was not willful (i.e. being in custody or the hospital).
6. Probation will conduct an in-custody assessment before the SCC hearing unless the defendant is released. If the defendant is released, the Court will set an assessment appointment for the defendant and the defendant must appear at probation for the assessment prior to his or her SCC hearing date.

INITIAL SCC APPEARANCE

Court engagement is another very important aspect of problem solving Courts. Most SCC defendants have previously fallen through the cracks or gone through the criminal Court process “unseen.” SCC operates differently. In SCC, the defendant is expected to be “seen” and “heard” so that support can be tailored to meet the defendant’s particular needs. The interaction between the SCC judge and the defendant is fundamental to the defendant’s success. The following outlines how a defendant enters SCC.

A. General Procedures

1. Probation shall provide all parties with a copy of each defendant’s completed assessment prior to his or her scheduled hearing.

2. In-custody assessments and defense interviews are to be conducted prior to the call of the calendar.
3. Every effort should be made to hear all in-custody cases no later than 4:00 PM.
4. Every effort should be made to hold a weekly pre-court meeting once a week to discuss the following week's cases. At a minimum, a pre-hearing conference should be conducted between 12:45 and 1:00 the afternoon of each community court calendar. The purpose of the conference shall be to discuss options, reach a consensus if possible, note any issues to be raised on the record and ensure that Court begins promptly at 1:30.
5. The City will negotiate new traditional recommendations at the pre-hearing conference in cases where the parties know the defendant will not be able to enter SCC. Any new offer will be available for that hearing only.
6. Defendants who opt out or are deemed ineligible for SCC must set the case for a PTH.
7. Defendants are to sign in as soon as they arrive. New cases are called in the order of the sign in log.
8. Defendants are expected to enter SCC at their initial appearance in SCC.

B. Entering Cases

1. The Court doors will open at 1:20. Reviews are to begin promptly at 1:30. New cases will be called after the review calendar.
2. When the case is called, the defendant will go over the Dispositional Continuance or Plea Agreement with the Court on the record.
3. The Court will review the assessment with the defendant.
4. When the hearing is complete, the defendant will go over to the Bailiff's desk to complete the remaining paperwork and speak with probation.

CONTINUANCES IN SCC

Continuances are discouraged in SCC. Defendants are encouraged to enter and follow through with SCC on the Court's schedule. Compliance involves taking responsibility, an important component of problem-solving Courts. A defendant takes responsibility by entering SCC on the Court's schedule and completing his or her obligations within the allotted time. If a defendant cannot enter SCC immediately due to other jurisdictional holds, treatment obligations, etc., a continuance may be granted. No case, however, should be set over for longer than 30 days. The following outlines the circumstances in which a case can be continued in SCC.

A. Multi-Jurisdictional Hold

1. Every effort should be made to determine the status of the hold before Court begins.
2. If no information has been obtained, the case may be set over for one or two weeks to determine the status of the hold. Cases shall not be continued longer than 30 days.

3. The City will not oppose a PR release in cases where the defendant has no more than three bench warrants within a 24 month period and no bench warrants on the current case.
4. Probation will not conduct an assessment until the hold has been lifted.
5. Defendants with outstanding bench warrant(s) from any jurisdiction within Washington State should make every effort to take care of the warrant(s) before entering SCC, although outstanding warrants will not necessarily preclude entry into SCC.

B. Physical or Mental Health Concerns

1. If the assessment raises concerns about whether a defendant's physical or mental health precludes him or her from being able to comply with SCC, the case can be set over to give defendant an opportunity to obtain a doctor's note allowing him or her to perform community service hours.

C. Intoxication/Drug Use/Behavior Concerns

1. If there is a concern regarding a defendant's behavior in Court or that the defendant is under the influence of alcohol/drugs, the Court may set the case over for no more than one week to allow the defendant an opportunity to appear before the Court sober.
2. If the Court determines that the defendant's level of intoxication is a safety risk or prevents him or her from assisting his or her attorney, the Court may take the defendant into custody and set the case over to the next available SCC calendar.
3. In either instance, if the Court determines that the defendant is still not appropriate for SCC, the SCC offer will be withdrawn.

D. Compelling Schedule Conflicts

1. If defendant is unable to appear at 8:30AM the morning after entry into SCC, the Court may grant a short continuance.
2. Any continuances of this nature must be presented to the Court for approval prior to the case being called. Parties agree that defense may speak to the Court ex parte about any such continuance.

E. Failure to Appear

1. If the defendant fails to appear, the SCC offer may be withdrawn unless the defendant can demonstrate that the FTA was not willful (i.e. being in custody or the hospital).

RESOLVING CONFLICT SITUATIONS

Collaboration is a necessary aspect of problem solving Courts. Effective collaboration must exist between the City, the Defense, Probation Services and the Court for SCC to meet its stated goals. Creation of a structure to resolve conflicts will support all parties. The following outlines how to address any questions or conflicts.

A. Questions Regarding Eligibility

1. The City will make an initial SCC recommendation based upon the eligibility guidelines attached to these protocols as Exhibit A.
2. If Probation Services determines, after meeting with and assessing an individual, that the defendant does not meet the eligibility guidelines the City will withdraw its SCC recommendation. Before such a determination is made, the Court will review the assessment.
3. If the City withdraws its SCC recommendation, the case is no longer eligible for SCC and must be set for a PTH.

B. Questions Regarding The Assessment and/or Defendant's Fitness to Enter SCC

1. Defense or City questions regarding any information contained in the assessment should be discussed during the pre-hearing conference.
2. Deference will be given to probation's expertise and judgment.
3. The Court will make the final determination.

SCC REVIEWS

Accountability is the linchpin of problem solving Courts and SCC. The Court discourages excuses and rationalizations for non-compliance. While the Court will take into consideration reasonable attempts to comply, SCC will not do more work to support a defendant than the defendant does to support him or herself.

A. Compliance

1. All review hearings are called at the beginning of the session.
2. Cases where defendants have successfully complied with all conditions are called first.
3. Cases where defendants have not complied with their conditions are called alphabetically.
4. The Court will hold a hearing regarding any non-compliance issues.
5. The Court will not hear a case where a defendant brings documents to Court until probation has reviewed the documents.
6. Dispositional Continuances will be revoked at the review hearing for non-compliance unless there is substantial justification regarding circumstances preventing completion.

7. The Court may, in its discretion, allow a continuance to give the defendant an opportunity to comply.

BENCH WARRANT AND GENERAL ADD-ONS

Due to the immediacy and quick turn-around of SCC cases, the following outlines how to add on a case.

A. Probation Add-ons

1. Probation can add on any case involving a Failure to Report so long as they notify the Court before 10:00AM the morning of the calendar that they want the case heard.
2. Probation must send an email notification to all SCC personnel stating the name, case number and date the add-on is requested. Probation must remember to include any tracking case(s) also.
3. The case is not considered added until the Court clerk confirms by email.

B. Attorney Add-ons

1. If an attorney wants to add-on a case, the attorney must complete an add-on motion and send an email notification to all SCC personnel stating the name, case number and date the add-on is requested.
2. If the add-on request involves a BWADD, the request must be for a date at least one day away.
3. The case is not added until the clerk confirms by email.

SCC PROBATION & COURT REVIEW

Focused and direct problem-solving is another core structural component of SCC that is accomplished through the assessment and guided probation process. Defendants entering SCC undergo a needs assessment to provide both the defendant and the Court with information concerning what services would best support the defendant. Moreover, the assessment allows Probation to assist the engaged defendant in meeting his or her social service goals.

A. General Procedures

1. When the defendant enters SCC, he or she will be given a card containing the Probation Officer's contact information and the date and time of their orientation.
2. Defendants must complete an orientation at 8:30 AM the morning following their entrance into SCC unless the Court grants an exception.

3. During orientation defendants will be notified of the days they will be required to return to complete their community service obligation.
4. At the completion of the orientation, Probation will immediately transport defendants to the community service site where they will complete a full day of service.
5. When available, probation may provide lunch and bus tickets.
6. Defendants who arrive late or fail to report for orientation may be added to the next available SCC calendar.
7. Defendants are required to return on the day(s) they signed up for to complete their community service hours and Social Service requirements unless they contact probation to reschedule.
8. Defendants are required to comply with and engage in all aspects of Social Service requirements including the employment group, individual housing appointment and other groups as directed by probation.
9. Based upon the results of the probation assessment, defendants may be obligated to attend regularly scheduled meetings with a probation officer. If so required, defendants must appear timely for each scheduled appointment.
10. Defendants may also be obligated to appear in court for a review midway through their SCC obligation. This hearing will be scheduled at the time of entry into the SCC disposition. Additional review hearings may be scheduled, as necessary, by Probation.
11. Failure to complete SCC obligations may result in sanctions, including but not limited to additional community service obligations, increased Social Service requirements, work crew or imposition of the jail alternative per the dispositional continuance or plea agreement.

SCC ORIENTATION

Community Court Orientation will be scheduled for 8:30 AM on the day following a defendant's entry into Community Court. This scheduled orientation can only be changed with the Court's permission when the defendant opts in. Any defendant not reporting as scheduled for the required Community Court orientation may be added on to the next available Community Court calendar for review. During Community Court Orientation, Probation will provide in detail the following in regards to Court ordered conditions:

1. Number of Court ordered Community Service hours.
2. Social Service Requirements (Details about when and where to complete, along with a calendar for each defendant detailing their schedule).
3. Rules and guidelines of the Community Service work sites.
4. The need to maintain contact with Probation in reference to any issues.
5. Probation Counselors contact information and how to contact us.
6. Requirement of being in a non-toxic capacity to follow through with Community Service/Social Service.

Probation will provide the Community Service schedules and work with the defendant in regards to scheduling their remaining day(s) of Community Service. Defendant is required to report as directed to the Probation Services Department and comply with all directives given by the probation counselor.

In the event the defendant needs the assistance of an interpreter during orientation, Probation will make its best attempt to complete the orientation with the defendant and interpreter immediately following the hearing.

ALTERNATIVE COMMUNITY SERVICE PROGRAM

As more and more defendants seek entrance into SCC, Probation has seen an increase in the number of defendants appearing with verifiable physical disabilities. Many of these defendants have been deemed ineligible due to a lack of community service sites suitable to serve this population. Probation has now developed a program that will allow these defendants to enter SCC. Cases where the defendant has provided the Court with current proof of a verifiable physical disability and would normally be ineligible to complete community service hours maybe be screened for the Alternative Community Service Program Track.

A. Program Objectives

1. Reduce and/or eliminate the number of defendants, with a verifiable physical disability, “opting out” of the SCC.
2. Provide an avenue for those who are deemed “ineligible” by probation due to a verifiable disability to enter SCC.
3. Increasing the likelihood of successful compliance by providing defendants who have a verifiable disability, and who do not identify themselves as such until after entrance into SCC, an alternative to the traditional community service hours.

B. Program Description

1. The proposed project is comprised of several different, but related activities:
 - a. A life skills group/workshop will be offered daily in probation or in the community resource center that will provide for more one-on-one support, more detailed instruction, and tangible access to resources offered by the Court.
 - b. Defendants who are admitted into the alternative community service program will attend two consecutive mornings of the life skills workshop until they have fulfilled their community service obligation.
2. Participation in this program is only for those individuals who have verifiable disabilities and are deemed appropriate by probation.

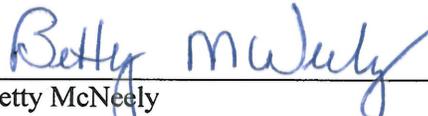
C. Program Requirements

1. *In Court:* If a defendant reports, during the assessment, that they have some type of physical disability which would prevent them from complying with the community service requirements the case(s) will be set over for the defendant to provide current proof of such disability at the next Court hearing.
2. *During Probation:* Defendants who notify probation, after entering into SCC, that they have some type of physical disability which would prevent them from complying with the community service requirements, probation will provide them with an opportunity to provide current proof of such disability within 24 hours. Verification of any disability will be necessary to be eligible for the alternative community service program.
3. Defendants will be required to complete an orientation at 8:30 AM the following morning after opting into SCC. Immediately afterwards, they will begin their life skills course.
4. Defendants who arrive late or fail to report for orientation will be held to the same standards as the regular SCC defendants.
5. When available, lunches will be provided to defendants who are completing the alternative community service program.

Signed this 12th day of September, 2013



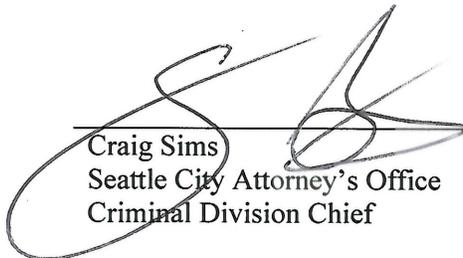
Honorable Karen Donohue
Seattle Municipal Court
Community Court Judge



Betty McNeely
Seattle Municipal Court
Probation Director



Don Madsen
Associated Counsel for the Accused
Executive Director



Craig Sims
Seattle City Attorney's Office
Criminal Division Chief